



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,438	11/12/2003	Torsten Partsch	2003P52601US/1331.102.101	7153

7590 11/22/2006

Dicke, Billig & Czaja, PLLC
Fifth Street Towers
Suite 2250
100 South Fifth Street
Minneapolis, MN 55402

EXAMINER

MCFADDEN, MICHAEL B

ART UNIT PAPER NUMBER

2188

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/706,438	Applicant(s) PARTSCH, TORSTEN	
	Examiner Michael B. McFadden	Art Unit 2188	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


 HYUNG SOUH
 SUPERVISORY PATENT EXAMINER

11/17/06

Response to Arguments

1. **Regarding Claims 1, 17, 18, and 31**, Applicant contends that there is not a single reference to a cache memory including pipeline stages in Usami. **However, when discussing CAS Latency, it is inherent that you are referring to pipeline stages. That is how CAS Latency is measured, in pipeline stages. As previously stated in the rejection, a CL of one means that a cache has one pipeline stage, a CL of two means two pipeline stages, and so on. Therefore, by providing various CAS Latencies, it is inherent that Usami teaches pipeline stages.** Applicant also contends a bypass circuit is not inherent to Usami and that varying the CAS latency in Usami could be performed without utilizing a bypass circuit. **However, Usami teaches varying the CAS Latency (CL) from at least CL-1 to CL-3. Having a CL-1 means that there is one pipeline stage, meaning the data is sent directly to the memory. While a CL-3 means that there are three pipeline stages, meaning the data is sent through multiple pipeline stages before being sent to the memory. Applicant has stated that Usami teaches controlling the CAS Latency based on controlling the column address counter, thereby controlling count up timing and count up number of the column address timer. While this count up timing is taking place, the data is being stalled, which will appropriately adjust the CAS Latency to the one desired. As is common in pipelines, a stall in this instance is equivalent to one stage of the pipeline. Therefore, even though a counter is being used the data to be sent to the memory is being stalled in a buffer. In order to achieve a CL-1**

then this buffer must be bypassed altogether. Therefore, a bypass circuit, in some form, must inherently be present.

2. **Regarding Claim 8**, Applicant contends that Usami fails to teach wherein the circuit comprises a multiplexer configured to select between serialized data from the first circuit and serialized data from the second circuit based on the column address strobe latency select signal. **However, Usami teaches that the CAS Latency is determined based on the CAS Latency bits of Figure 4. The mode register is this sense functions as the multiplexer by taking the control signal (the latency bits) and interpreting it to determine between the bypassing of the stall buffer or not.**

3. **Regarding Claim 25**, Applicant contends that claim 25 is allowable over a combination of the contentions of claim 1 and claim 8. **However, the rejection of claim 25 is maintained based on the rationale provided above.**